IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14050 of 1994

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAJNIKANTBGANATRA - Petitioner(s)

Versus

THAKKAR & COMPANY - Respondent(s)

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Appearance :

MS KOTECHA for MR YOGESH S LAKHANI for Petitioner No(s).: 1.

MR RC KAKKAD for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 05/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the order dated 14.06.1994 passed by the Labour Court, Junagadh, in Reference (LCJ) No.59 of 1990, whereby the said reference was rejected.

2.0 The petitioner was working with the respondent Company since 01.12.1975. It is the case of the petitioner that the respondent Company orally terminated the services of the petitioner on 30.06.1982. Pursuant to the above termination, other workers have also been appointed by the respondent Company. Feeling aggrieved by the said order, the petitioner raised a dispute before the Labour Court, Junagadh by way of a reference. The Labour Court, Junagadh, by award dated 14.06.1994 rejected the reference of the petitioner. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. While considering the case of the petitioner, the Labour Court has recording a finding that the petitioner himself had voluntarily left the service and had started his own business. Appropriate evidence was produced by the respondent Company before the Labour Court and after appreciating the same, the Labour Court has recorded the said finding. In my opinion, the Labour Court was justified in rejecting the reference of the petitioner. I am in complete agreement with the reasonings given by the Labour Court in its impugned order and find no reason to interfere in this petition.

4.0 In above view of the matter, this petition is dismissed. Rule discharged with no order as to costs.

(K. S. JHAVERI, J.)

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